IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

OP.No. 33442 of 2002(F)

PETITIONER:

S.AKBAR, 5/427, SAHARA,
PUTHUSSERY PANCHAYATH, PARA ROAD, KANJIKODE,
PALAKKAD -21.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SRI.SUNIL SHANKER

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT (LOCAL SELF GOVERNMENT DEPARTMENT), THIRUVANANTHAPURAM.**

2. **PUTHUSSERY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, PUTHUSSERY,PALAKKAD.**

3. **ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, PALAKKAD.**

4. **PARAGON STEELS PVT.LTD., REPRESENTED BY ITS MANAGING DIRECTOR, M.PARAMASIVAN, REGD.OFFICE AT 100, AVARAMPALAYAM ROAD, GANAPATHI, COIMBATORE**

5. **CENTRAL POLLUTION CONTROL BOARD, REPRESENTED BY ITS DIRECTOR, PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-32.**

BY ADV. SRI.V.GIRI
SRI.S.M.UNNIKRISHNAN
SRI.K.K.RADHAKRISHNAN NAIR
BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.No. 33442 of 2002

Dated this the 14th day of February, 2007

JUDGMENT

This writ petition is filed mainly with the following prayers:-

> (a) Call for the records of the case leading to Ext.P7 and P8 and quash the same by the issue of a writ of certiorari or other appropriate writ or order.
>
> (b) Issue a writ of mandamus or other appropriate writ or order directing respondents 1, 2, 3 and 5 not to issue any licence to the 4th respondent steel melting unit being set up in the residential area of Puthussery Panchayat in violation of the norms laid down by the Pollution Control Board and the statutory provisions contained in the Kerala Panchayat Raj Act and the Kerala Panchayat Raj (Dangerous and Offensive Trades and Factories Licensing) Rules 1996.

Learned counsel for the 4th respondent submits that during the pendency of the writ petition sanction has already been given and the factory was set up. According to the petitioner the consent given was cancelled as per Ext.P10. Be that as it may, in view of the intervening developments referred to in the counter affidavit, in case the 4th respondent is functioning without proper clearance from the Pollution Control Board, it will be open to the petitioner to point out the same

before respondents 2, 3 and 5 in which case appropriate action in accordance with law will be taken with notice to the petitioner and the 4th respondent within another three months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.33442/2002

JUDGMENT

14th February, 2007